



User Name: mmelewsy

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1. [34 Pa. Code § 403.1](#)

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34 Pa. Code § 403.1

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**PA - Pennsylvania Administrative Code > TITLE 34. LABOR AND INDUSTRY > PART XIV.
UNIFORM CONSTRUCTION CODE > CHAPTER 403. ADMINISTRATION > GENERALLY**

§ 403.1. Scope

(a) Application.

(1)The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.

(2)The Department will promulgate regulations adopting the new triennial BOCA National Building Code, or its successor building code as the Uniform Construction Code by December 31 of the year of the issuance under section 304(a)(1) of the act ([35 P. S. § 7210.304\(a\)\(1\)](#)). This deadline will not apply if the Uniform Construction Code Review and Advisory Council established under section 107 of the act ([35 P. S. § 7210.107](#)) informs the Department that it should exclude any provisions of the triennial codes from the Uniform Construction Code. New buildings or renovations to existing buildings for which a design or construction contract was executed before the effective date of the regulatory amendment adopting the latest triennial versions of the construction codes and standards shall comply with the codes and standards in effect at the time that the design or construction contract was executed.

(b) Exclusions and exemptions.The Uniform Construction Code does not apply to:

(1)New buildings or renovations to existing buildings for which an application for a permit was made to the Department or a municipality before April 9, 2004.

(2)New buildings or renovations to existing buildings on which a contract for design or construction was signed before April 9, 2004.

(3)The following structures if the structure has a building area less than 1,000 square feet and is accessory to a detached one-family dwelling except as might be required by an ordinance adopted under section 503 of the act ([35 P. S. § 7210.503](#)):

(i)Carports.

(ii)Detached private garages.

(iii)Greenhouses.

(iv)Sheds.

(4)An agricultural building.

(5)Manufactured or industrialized housing shipped from the factory under section 901(a) of the act ([35 P. S. § 7210.901\(a\)](#)) as provided in § 403.25 (relating to manufactured and industrialized housing).

(6)Installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas under the Propane and Liquefied Petroleum Gas Act ([35 P. S. §§ 1329.1 -- 1329.19](#)).

(7)Construction of individual sewage disposal systems under 25 Pa. Code Chapter 73 (relating to onlot sewage treatment facilities).

(8) Alterations to residential buildings which do not make structural changes or changes to means of egress, except as required by ordinances in effect under sections 303(b)(1) or 503 of the act ([35 P. S. §§ 7210.303\(b\)\(1\)](#) and [7210.503](#)). Under this subsection, a structural change does not include a minor framing change needed to replace existing windows or doors.

(9) Repairs to residential buildings, except as required by ordinances in effect under sections 303(b)(1) and 503 of the act.

(10) Installation of aluminum or vinyl siding onto an existing residential or an existing commercial building, except as might be required by ordinances in effect under section 303(b)(1) ([35 P. S. §§ 7210.303\(b\)\(1\)](#)) or section 503 of the act.

(11) A recreational cabin if the following conditions are met:

(i) The cabin is equipped with at least one smoke detector, one fire extinguisher and one carbon monoxide detector in both the kitchen and sleeping quarters.

(ii) The owner of the cabin files one of the following with the municipality:

(A) A Department form UCC-13 attesting to the fact that the cabin meets the definition of a "recreational cabin" in § 401.1 (relating to definitions).

(B) A valid proof of insurance for the recreational cabin, written and issued by an insurer authorized to do business in this Commonwealth, stating that the structure meets the definition of a "recreational cabin."

(12) Structures which are:

(i) Erected for the purpose of participation in a fair, flea market, arts and crafts festival or other public celebration.

(ii) Less than 1,600 square feet in size.

(iii) Erected for a period of less than 30 days.

(iv) Not a swimming pool, spa or hot tub.

(13) A pole barn that is constructed on agricultural fairgrounds and is only used for agricultural purposes and animal display. If an exempted pole barn has electrical service, a permit and inspections to determine compliance with the electrical provisions of the Uniform Construction Code are required.

(c) Continuity of recreational cabin exclusion.

(1) Upon the transfer of ownership of a recreational cabin subject to the recreational cabin exclusion, written notice of the following shall be provided in the sales agreement and the deed:

(i) The recreational cabin is exempt from the act.

(ii) The recreational cabin may not be in conformance with the Uniform Construction Code.

(iii) The recreational cabin is not subject to municipal regulation.

(2) Failure to comply with the notice requirement under paragraph (1) renders the sale void at the purchaser's option.

(d) Prior permits and construction.

(1) A permit issued under construction regulations before April 9, 2004, remains valid and the construction of the building or structure may be completed in accordance with the approved permit. The permit is invalid unless the construction commenced within 2 years of permit issuance or a time period specified by municipal ordinance, whichever is less. The permit holder shall acquire a new permit under section 104(c) of the act ([35 P.S. § 7210.104\(c\)](#)) if the permit was not actively prosecuted during this time period.

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- (2) Construction may be completed without a permit under section 104(c)(2) of the act when construction of a building or structure commenced before April 9, 2004, and a permit was not required at that time.
- (3) The legal occupancy of a structure existing on April 9, 2004, may continue without change except where the Uniform Construction Code provides otherwise.
- (e) The Uniform Construction Code applies to the construction of a residential building or structure governed by a homeowner's or community association under section 104(d)(2)(ii) of the act.
- (f) The electrical, plumbing and lumber and wood provisions, except for the wood provisions related to pressure treatment, of the Uniform Construction Code do not apply to a dwelling unit or one-room school house utilized by a member or members of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the act ([35 P.S. § 7210.901\(b\)](#)) as follows:
- (1) The permit applicant shall file an application with the code administrator stating the manner in which an electrical provision, a plumbing provision or a lumber and wood provision of the Uniform Construction Code conflicts with the applicant's religious beliefs. The application must also contain an affidavit by the applicant stating:
 - (i) The permit applicant is a member of a religious sect.
 - (ii) The religious sect has established tenets or teachings which conflict with an electrical, a plumbing or a lumber and wood provision of the Uniform Construction Code.
 - (iii) The permit applicant adheres to the established tenets or teachings of the sect.
 - (A) For a dwelling unit, the dwelling will be used solely as a residence for the permit applicant and the applicant's household.
 - (B) For a one-room school house, the school house will be used solely by members of the religious sect.
 - (2) The code administrator shall grant the application for the exemption if made in accordance with paragraph (1).
 - (3) If the permit applicant receives an exemption for a building under section 901(b) of the act and the applicant subsequently sells or leases the building, the applicant shall bring the building into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the sale or lease of the building unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1).
- (g) Coal-fired boilers installed in residential buildings must be designed, constructed and tested in accordance with the requirements of Chapter 20, section M2001.1.1 of the "International Residential Code of 2015," except for the ASME stamping requirement.

Statutory Authority

AUTHORITY:

The provisions of this § 403.1 amended under section 304(a)(1) and (2) of the Pennsylvania Construction Code Act ([35 P.S. § 7210.304\(a\)\(1\)](#) and (2)).

History

SOURCE:

34 Pa. Code § 403.1

The provisions of this § 403.1 amended December 15, 2006, effective [December 31, 2006, 36 Pa.B. 7548](#); amended December 24, 2009, effective [December 31, 2009, 39 Pa.B. 7196](#); amended September 29, 2018, effective [October 1, 2018, 48 Pa.B. 6261](#). Immediately preceding text appears at serial pages (347286) to (347288) and (380065) to (380066).

Annotations

Notes

NOTES:

Case Notes

Notes of Decisions

While this regulation provides that legal occupancy existing on April 9, 2004, is permitted to continue "except where the Uniform Construction Code provides otherwise," specific exceptions include "inadequate means of egress, . . . fire hazard, [or] other dangers to human life or the public welfare" in [34 Pa. Code § 403.84\(a\)](#).

As such, the regulation can be applied retroactively to fire and safety issues requiring adequate egress. [Four Score Prop., LLC v. Code Enft Appeals Bd. of Borough of Gettysburg , 120 A.3d 1128 \(Pa. Cmwlth. 2015\)](#).

Research References & Practice Aids

Cross References

This section cited in [34 Pa. Code § 403.42](#) (relating to permit requirements and exemptions); [34 Pa. Code § 403.62](#) (relating to permit requirements and exemptions); and [34 Pa. Code § 403.102](#) (relating to municipalities electing to enforce the uniform construction code).

HIERARCHY NOTES:

[Title Note](#)

[Chapter Note](#)